

# EXHIBIT 1



1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF MICHIGAN  
3

4 AHMED ELZEIN,

5 Plaintiff,

6 -vs-

Case No. 22-12352

7 Hon. Sean F. Cox  
8

9 ASCENSION GENESYS HOSPITAL,

10 Defendant.  
11

12 \_\_\_\_\_/   
DEPONENT: Ahmed Elzein

13 DATE: Friday, October 6, 2023

14 TIME: 10:00 a.m.

15 LOCATION: 38701 Seven Mile Road, Suite 130,  
16 Livonia, Michigan 48152

17 REPORTER: Quentina Rochelle Snowden, RPR,  
18 Certified Shorthand Reporter-5519  
19 and Notary Public

20 VIDEO TECH: Bailey Wellman  
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24  
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<p style="text-align: right;">Page 10</p> <p>1 Q Can you please state and spell your full legal name 2 for the record? 3 <b>A Ahmed, that's A-H-M-E-D, and last name is Elzein,</b> 4 <b>E-L-Z-E-I-N.</b> 5 Q Have you ever been known by any other legal names? 6 <b>A No.</b> 7 Q Your date of birth is November 13th, 1992, correct? 8 <b>A Yes.</b> 9 Q And I'm sorry, you're probably going to have to 10 correct me on the pronunciation of this, I apologize 11 in advance, but, my understanding is you were born 12 in Khartoum, Sudan? 13 <b>A Yes. Khartoum, yeah.</b> 14 Q Did I pronounce that correctly? 15 <b>A Yep.</b> 16 Q Could you spell Khartoum for me? 17 <b>A Yeah, K-H-A-R-T-O-U-M.</b> 18 Q And the last four digits of your Social Security 19 number are 5017, correct? 20 <b>A Yes. Yes.</b> 21 (Deposition Exhibit No. 1 was marked 22 for identification.) 23 MR. WASLAWSKI: The court reporter 24 has marked this as Exhibit 1. Counsel, I will hand 25 you a copy, just bear with me.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q Do you remember specifically any specific documents? 2 <b>A Nothing specific. Just -- I was just scrolling over</b> 3 <b>in my Dropbox.</b> 4 Q Other than your attorney -- 5 <b>A Yes.</b> 6 Q -- have you spoken with anyone today regarding 7 today's deposition? 8 <b>A My father.</b> 9 Q What did you say to your father? 10 <b>A That I have a deposition today.</b> 11 Q When did you talk to your father? 12 <b>A Like, an hour ago.</b> 13 Q Okay. And he obviously -- strike that. 14 Did he travel with you today to this 15 deposition? 16 <b>A Yeah.</b> 17 Q So, he was -- okay. 18 Is there anyone else you spoke to 19 regarding this deposition today? 20 <b>A No.</b> 21 Q You currently married? 22 <b>A No.</b> 23 Q Have you ever been married before? 24 <b>A No.</b> 25 Q I think I know the answer to this, but I will ask</p>
<p style="text-align: right;">Page 11</p> <p>1 BY MR. WASLAWSKI: 2 Q Have you seen this document before? And take your 3 time and review it, let me know after you've 4 reviewed it whether you've seen it before. 5 <b>A I don't think I've seen it, but now I can -- I can</b> 6 <b>read it. It's okay.</b> 7 Q Pardon? I didn't hear that, Dr. Elzein. What was 8 your answer? 9 <b>A Yep, I think I've seen it.</b> 10 Q Okay. So, the document instructs you to bring any 11 and all non-privileged documents which you contend 12 support, or which refute or relate to your claims 13 that have not been previously produced in discovery. 14 <b>A Okay.</b> 15 Q Other than the documents that you've previously 16 provided to your lawyer in connection with this 17 litigation, are there any such documents that exist, 18 to your knowledge? 19 <b>A No.</b> 20 Q Prior to testifying today, and in preparation for 21 your deposition today, did you review any documents? 22 <b>A Briefly, yeah.</b> 23 Q What documents did you review? 24 <b>A Just overall, like, the -- the discovery documents</b> 25 <b>that we handed over to you guys.</b></p>	<p style="text-align: right;">Page 13</p> <p>1 anyways. Do you have any children? 2 <b>A No.</b> 3 Q Similarly, do you have any dependents? 4 <b>A No.</b> 5 Q Now, I understand you attended high school in the 6 United States, correct? 7 <b>A Correct.</b> 8 Q When did you -- and you were born in Sudan, we've 9 established that. 10 When did you first come to the 11 United States? 12 <b>A 2003.</b> 13 Q So, you were approximately 11 years old when you 14 came to the United States for the first time? 15 <b>A Yes.</b> 16 Q What was the reason you came to the United States? 17 <b>A We got a green card, and my father moved out here</b> 18 <b>to, like, make a better life for -- for all of us.</b> 19 Q When you say "We got a green card", who are you 20 referring to? 21 <b>A Me and my family members.</b> 22 Q And you eventually obtained citizenship, correct? 23 <b>A Yes. Yes.</b> 24 Q When did you obtain citizenship? 25 <b>A 2008.</b></p>

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<p style="text-align: right;">Page 22</p> <p>1 medicine currently?</p> <p>2 <b>A No.</b></p> <p>3 Q What is your father's cellphone number?</p> <p>4 <b>A I got to pull -- (513) 441-4397.</b></p> <p>5 Q Okay. And I think I may have asked you this, I'm</p> <p>6 sorry if we're rehashing this, but, you attended</p> <p>7 medical school at the University of Khartoum in</p> <p>8 Sudan, correct?</p> <p>9 <b>A Yes.</b></p> <p>10 Q And you attended medical school there from</p> <p>11 approximately 2009 through 2016, correct?</p> <p>12 <b>A Yes.</b></p> <p>13 Q And you graduated from the University of Khartoum,</p> <p>14 correct?</p> <p>15 <b>A Yes. Yes.</b></p> <p>16 Q And you graduated in 2016, of course?</p> <p>17 <b>A Yeah.</b></p> <p>18 Q What degree or degrees did you receive in connection</p> <p>19 with your graduation?</p> <p>20 <b>A It's called, like, an MBBS, which is equivalent to,</b></p> <p>21 <b>like, an MD in the United States.</b></p> <p>22 Q Aside from the current lawsuit that you filed</p> <p>23 against Ascension Genesys, have you ever filed any</p> <p>24 other lawsuits while living in the United States?</p> <p>25 <b>A No.</b></p>	<p style="text-align: right;">Page 24</p> <p>1 okay?</p> <p>2 <b>A Okay. (Reviewing.) Okay.</b></p> <p>3 Q You reviewed the document in its entirety?</p> <p>4 <b>A Yep.</b></p> <p>5 Q You've seen this document before, correct?</p> <p>6 <b>A I did.</b></p> <p>7 Q In fact, if we look at the bottom left corner of the</p> <p>8 first page and the bottom left corner of the second</p> <p>9 page, you digitally signed this document, under</p> <p>10 penalty of perjury, on May 12th, 2021 at 12:07 p.m.</p> <p>11 Eastern time, correct?</p> <p>12 <b>A Yes.</b></p> <p>13 Q You carefully reviewed this document before you</p> <p>14 digitally signed it under penalty of perjury on</p> <p>15 May 12th, 2021, correct?</p> <p>16 <b>A Yep.</b></p> <p>17 Q And when you signed the charge under penalty of</p> <p>18 perjury, you believed the information in it was</p> <p>19 accurate, correct?</p> <p>20 <b>A Yep.</b></p> <p>21 Q So, do you see, Dr. Elzein, on -- it starts on the</p> <p>22 first page. There's a section that says "The</p> <p>23 particulars are" and then there's a description of</p> <p>24 the allegations that continues on to the second</p> <p>25 page. Do you see the section I'm referring to?</p>
<p style="text-align: right;">Page 23</p> <p>1 Q Have you ever been subpoenaed as a witness in any</p> <p>2 other lawsuits?</p> <p>3 <b>A No.</b></p> <p>4 Q Have you ever been -- have you ever testified in a</p> <p>5 court proceeding in any other lawsuits?</p> <p>6 <b>A No.</b></p> <p>7 Q Have you ever been arrested?</p> <p>8 <b>A No.</b></p> <p>9 Q Have you ever been charged with a crime?</p> <p>10 <b>A No.</b></p> <p>11 Q Have you ever filed a claim for Social Security</p> <p>12 Disability benefits?</p> <p>13 <b>A No.</b></p> <p>14 MR. WASLAWSKI: Please mark this as</p> <p>15 Exhibit 2. Counsel.</p> <p>16 (Deposition Exhibit No. 2 was marked</p> <p>17 for identification.)</p> <p>18 BY MR. WASLAWSKI:</p> <p>19 Q Counsel -- or excuse me, Dr. Elzein, I'd like to --</p> <p>20 you to take a look at what's been marked as</p> <p>21 Exhibit 2 in this matter.</p> <p>22 <b>A Uh-huh.</b></p> <p>23 Q Please take a look -- sorry. Please take a moment</p> <p>24 to review the document, and let me know when you've</p> <p>25 finished reviewing the document in its entirety,</p>	<p style="text-align: right;">Page 25</p> <p>1 <b>A Yeah.</b></p> <p>2 Q Who wrote that?</p> <p>3 <b>A The EEOC representative.</b></p> <p>4 Q Based on all of the information that you conveyed to</p> <p>5 the EEOC representative, correct?</p> <p>6 <b>A Through a phone call, yeah.</b></p> <p>7 Q So, if you look at the first page of Exhibit 2, Dr.</p> <p>8 Elzein, if you look at the middle of the page,</p> <p>9 there's a box that says "Dates on which the</p> <p>10 discrimination took place". Do you see that section</p> <p>11 of Exhibit 2, Dr. Elzein? It's in the middle of the</p> <p>12 page to the -- right side of the page.</p> <p>13 <b>A This one right here?</b></p> <p>14 MR. WASLAWSKI: You're -- let the</p> <p>15 record reflect that Dr. Elzein is pointing to a box</p> <p>16 that says "Earliest: July 1st, 2020. Latest:</p> <p>17 December 14th, 2020."</p> <p>18 BY MR. WASLAWSKI:</p> <p>19 Q Yes, Dr. Elzein, that's what I'm referring to.</p> <p>20 <b>A (Shook head in an affirmative manner.)</b></p> <p>21 Q So, the charge expressly states that it takes action</p> <p>22 with discriminatory conduct that allegedly occurred</p> <p>23 during the time periods of July 1st, 2020 through</p> <p>24 December 14th, 2020, correct?</p> <p>25 <b>A Yep.</b></p>



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<p style="text-align: right;">Page 62</p> <p>1 residents -- some of the white residents are feeling 2 uncomfortable around you. Some of the white 3 residents are saying you're awkward." 4 And I told her, if -- if -- if -- 5 when I sit down and we talk about patients' names 6 and someone makes fun of a name because it's Tatiana 7 or Britiana or something -- or Lakquisha, I find 8 that very upsetting, I get angry, and I look at 9 them, and sometimes I tell them it's not cool, I 10 don't laugh at everybody when -- about -- about -- 11 about things like that. I have an ethnic name, I 12 have mom, I have a black mother, and I -- I would 13 hate anybody to speak about my mom that way. 14 And she -- she said, "You just have 15 to fit along with the people." 16 And fit along -- by fitting along, 17 she -- I did not want to fit along with that type of 18 crowd. I never wanted to be part of a group of 19 people who would taunt other people because of their 20 race, religion, or anything like that. And that's 21 when the problems started to appear with Dr. 22 Barbara. And -- and when I -- whenever I brought 23 pushback and I made complaints to her, she always 24 accused me of being sinister -- 25 BY MR. WASLAWSKI:</p>	<p style="text-align: right;">Page 64</p> <p>1 going to speak up, a weak individual. And she loved 2 that personality about me. When I came up with my 3 real personality, someone who is American, who is 4 emersed in American culture, who speaks up for -- 5 for patients, that's when -- that's when the 6 problems started to arise, when I started to say 7 that -- when I was not laughing with the other 8 residents, when I was not really kissing ass for 9 attending physicians and -- and -- and laugh about a 10 patient because she's obese and it's -- it's her 11 fault to die anyways, or a patient smokes, so if she 12 dies, she died of cancer, or if she smokes crack, I 13 should not go in and speak to her in a soft tone and 14 tell her that's not -- it's a problem, please stop 15 it. No, you should go out there and scream at her 16 as if she's a criminal. I -- I -- I -- I -- I -- 17 refused to do all of these things, and this is when 18 the problems started to arise. 19 And whenever I brought my concerns 20 to her about -- about that I -- I rejected all these 21 things and I'm being -- I'm being harassed by my 22 residents because I'm not acting like them, she 23 always dismissed my complaints and always accused me 24 of being kind of crazy or delusional. 25 MR. WASLAWSKI: Motion to strike as</p>
<p style="text-align: right;">Page 63</p> <p>1 Q Well, I want to -- I had a simple question. 2 MR. LASSER: Well, what are you -- 3 you interrupted him. He hasn't finished. 4 MR. WASLAWSKI: No. I move to 5 strike as non-responsive. 6 BY MR. WASLAWSKI: 7 Q Dr. Elzein, my question to you -- 8 MR. LASSER: Well, I'm going to 9 place an objection for the record, is that you 10 interrupted his answer. 11 MR. WASLAWSKI: Objection noted, 12 Counsel. 13 BY MR. WASLAWSKI: 14 Q Now, my question to you, Dr. Elzein, was with every 15 single instance where she degraded you, right? So, 16 let's unpack what you've told me so far. 17 Did she tell you that, "I wanted 18 some dirt -- I wanted some foreigner to do my dirty 19 work for me"? 20 A Never said that in specific, but -- 21 Q I just want to be clear, because a moment ago, that 22 was what you said on the record -- 23 A Right. I said -- I said during the -- during the 24 interview, I had -- I put in a specific personality, 25 for person that was foreign, a person that's not</p>	<p style="text-align: right;">Page 65</p> <p>1 non-responsive. Ms. Snowden, can you read back my 2 question for the record, please? 3 (The indicated portion of the record 4 was read back as follows: 5 "Q Now, my question to you, Dr. 6 Elzein, was with every single instance where she 7 degraded you, right? So, let's unpack what you've 8 told me so far. 9 Did she tell you that, "I wanted 10 some dirt -- I wanted some foreigner to do my dirty 11 work for me"? 12 A Never said that in specific, 13 but -- 14 Q I just want to be clear, 15 because a moment ago, that was what you said on the 16 record --") 17 BY MR. WASLAWSKI: 18 Q Okay. Well, my question was, she never told you -- 19 just listen to my question carefully. 20 Your counsel will have plenty of 21 time to ask you questions -- 22 A Okay. 23 Q -- when I'm finished. 24 A Yeah. 25 Q So, if there's things I don't ask you --</p>

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<p style="text-align: right;">Page 66</p> <p>1 <b>A That's okay.</b></p> <p>2 Q -- he would be in a position to ask you. So, just</p> <p>3 listen carefully to my question, and it'll actually</p> <p>4 speed up --</p> <p>5 <b>A Yes.</b></p> <p>6 Q -- how long we'll be here for.</p> <p>7 <b>A Okay.</b></p> <p>8 Q Did Dr. Pawlaczyk ever tell you, "I want a foreigner</p> <p>9 to do my dirty work for me" specifically, in those</p> <p>10 terms?</p> <p>11 <b>A She said, "Aren't you from Sudan? Aren't you</b></p> <p>12 <b>Sudanese?" A couple of times. "Are you from Sudan?</b></p> <p>13 <b>Did you grow up in a house where there was a -- a</b></p> <p>14 <b>crammed up house in Sudan?" On multiple occasions,</b></p> <p>15 <b>so --</b></p> <p>16 MR. WASLAWSKI: Motion to strike as</p> <p>17 non-responsive.</p> <p>18 BY MR. WASLAWSKI:</p> <p>19 Q This is simply a yes or no question.</p> <p>20 Did she ever tell you she wanted a</p> <p>21 foreigner to do her dirty work for you -- for her?</p> <p>22 <b>A My -- by -- by word?</b></p> <p>23 Q In those exact words.</p> <p>24 <b>A No.</b></p> <p>25 Q Okay. Now, a few minutes ago, you referenced Dr.</p>	<p style="text-align: right;">Page 68</p> <p>1 <b>A Yes.</b></p> <p>2 Q And you -- it's your understanding he was previously</p> <p>3 a resident at Ascension Genesys, true?</p> <p>4 <b>A I believe so. I think so.</b></p> <p>5 Q Okay.</p> <p>6 <b>A Yeah, I'm not sure.</b></p> <p>7 Q And he's an African-American --</p> <p>8 <b>A Yeah.</b></p> <p>9 Q -- correct? Okay.</p> <p>10 And what is the Clinical Competency</p> <p>11 Committee? Do you know what that is?</p> <p>12 <b>A Clinical Competency Committee --</b></p> <p>13 Q Also known as the CCC?</p> <p>14 <b>A I've heard about it, but I'm not sure.</b></p> <p>15 Q You're not sure what the CCC is?</p> <p>16 <b>A It's a -- it's a committee of physicians.</b></p> <p>17 Q Yeah. And what's the role of that committee, as far</p> <p>18 as you know?</p> <p>19 <b>A It's to determine how well you're doing. I think</b></p> <p>20 <b>so.</b></p> <p>21 Q How well you -- "You" being, like, a pronoun for how</p> <p>22 well residents are doing within the program, true?</p> <p>23 <b>A Yes.</b></p> <p>24 Q Okay. So, they assess the clinical competency of</p> <p>25 the residents who are members of the Ascension</p>
<p style="text-align: right;">Page 67</p> <p>1 Pawlaczyk told you that you were making the white</p> <p>2 residents uncomfortable?</p> <p>3 <b>A Yes.</b></p> <p>4 Q Did she specifically say, "You are making the white</p> <p>5 residents uncomfortable"?</p> <p>6 <b>A Yes.</b></p> <p>7 Q Okay. When did she tell you that?</p> <p>8 <b>A Not "White residents". "You're making the</b></p> <p>9 <b>residents" -- all the -- all our residents are</b></p> <p>10 <b>white.</b></p> <p>11 Q Okay. Who is Dr. Reginald Sandy?</p> <p>12 <b>A Dr. Reginald Sandy is a physician at the hospital.</b></p> <p>13 Q Okay. He's black, right?</p> <p>14 <b>A Yeah.</b></p> <p>15 Q Yes or no?</p> <p>16 <b>A His race?</b></p> <p>17 Q Yes.</p> <p>18 <b>A Yeah, he is.</b></p> <p>19 Q Okay.</p> <p>20 <b>A Oh, he's not resident. He's --</b></p> <p>21 Q No, no, no, I -- I understand. But yeah, we'll</p> <p>22 clarify for the record.</p> <p>23 Who is Dr. Reginald Sandy?</p> <p>24 <b>A He's an attending physician in the program.</b></p> <p>25 Q At Ascension Genesys?</p>	<p style="text-align: right;">Page 69</p> <p>1 Genesys internal medicine residency program, true?</p> <p>2 <b>A Yes.</b></p> <p>3 Q Okay. You would agree with me that you had</p> <p>4 performance problems as a resident at Ascension</p> <p>5 Genesys, right?</p> <p>6 <b>A No. I don't agree --</b></p> <p>7 Q You disagree with me?</p> <p>8 <b>A Yes.</b></p> <p>9 Q Okay. <b>So, Dr. Reginald Sandy, did you ever</b></p> <p>10 <b>interface with -- you interfaced with him during</b></p> <p>11 <b>your time as a resident at the program, true?</b></p> <p>12 <b>A Yeah.</b></p> <p>13 Q And he was an attending physician, so you worked</p> <p>14 under him at times, true?</p> <p>15 <b>A Yes.</b></p> <p>16 Q So, you observed him performing -- providing</p> <p>17 healthcare services to others, true?</p> <p>18 <b>A Yep.</b></p> <p>19 Q And likewise, he would observe you providing</p> <p>20 healthcare services to individuals, patients, at the</p> <p>21 hospital under his supervision?</p> <p>22 <b>A Yeah.</b></p> <p>23 Q Okay. Are you accusing him of any unlawful acts in</p> <p>24 this lawsuit?</p> <p>25 <b>A Unlawful? I don't know about unlawful.</b></p>



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<p style="text-align: right;">Page 70</p> <p>1 Q Okay. Let me -- let me rephrase that just to make 2 sure we're on the same page. 3 Are you accusing him of 4 discriminating against you based on your race? 5 <b>A Yes.</b> 6 Q Dr. Sandy, another black individual, discriminated 7 against you, a black individual? 8 <b>A Yes.</b> 9 Q Okay. Does he not like members of his own race? 10 <b>A Yes, I believe so.</b> 11 Q What's the basis for your belief? 12 <b>A His interactions with African-American patients.</b> 13 Q Okay. So, you think Dr. Sandy, a black individual, 14 is racist against other black individuals? 15 <b>A Yes.</b> 16 Q Okay. Did he discriminate against you at all? 17 <b>A Yes.</b> 18 Q How so? 19 <b>A How so? So, discriminate against me specifically --</b> 20 <b>usually, an attending physician when wants to make</b> 21 <b>an evaluation for a resident, he would talk to the</b> 22 <b>resident and then give you the evaluation. He would</b> 23 <b>speak to the -- the white residents, ask them how</b> 24 <b>comfortable I made them feel during their rotation,</b> 25 <b>and then he'll make a decision how he would evaluate</b></p>	<p style="text-align: right;">Page 72</p> <p>1 <b>think he did.</b> 2 Q Okay. On what basis? Like, your race, your 3 national origin, your gender? 4 <b>A Race.</b> 5 Q Okay. Just your race? 6 <b>A Yes.</b> 7 Q Okay. Did he ever say anything racist to you? 8 <b>A Did he say anything racist?</b> 9 Q Yeah. 10 <b>A I mean, there was someone that said this sputum</b> 11 <b>culture is, like, a black culture and he laughed at</b> 12 <b>it, so --</b> 13 Q Could you repeat that? You spoke very fast. 14 <b>A Oh, yeah. He said -- there's a white resident that</b> 15 <b>said, "I'm going to send a sputum culture" -- a</b> 16 <b>sputum culture is something we send out of the nose</b> 17 <b>or the sputum that comes out of your nose. He said,</b> 18 <b>"I'm going to spend it -- send a sputum culture,</b> 19 <b>because it's just like black culture", referring to</b> 20 <b>the black cultural heritage, and he laughed at it,</b> 21 <b>thought that was --</b> 22 Q I don't understand. What do you mean, like, 23 something -- 24 <b>A So, sputum culture is -- usually, when you want to</b> 25 <b>send a sputum culture, you -- you bring the -- the</b></p>
<p style="text-align: right;">Page 71</p> <p>1 <b>me. If I made them feel comfortable, he would give</b> 2 <b>me a good evaluation. If I made them feel</b> 3 <b>uncomfortable, he would give me a bad evaluation.</b> 4 Q Can you speak up, please? It's fine. No, you don't 5 need to repeat your answer, just -- just make sure 6 you're speaking up for the record. 7 <b>A Yeah, I am. Yep.</b> 8 Q So, you think -- did he say that to you? 9 <b>A Dr. Barbara said that to me.</b> 10 Q So, Dr. Barbara relayed something that Dr. Sandy 11 allegedly said? 12 <b>A Yeah.</b> 13 Q Okay. And we talked about Dr. Yarlagadda earlier, 14 correct? 15 <b>A Yes.</b> 16 Q Okay. And she was also a member of the Clinical 17 Competency Committee, true? 18 <b>A Yes.</b> 19 Q And so was Dr. Sandy, true? 20 <b>A Yes.</b> 21 Q And a moment ago, you said you believe -- and you 22 just described it to me, we don't need to rehash it, 23 but, you believed to me that Dr. Sandy discriminated 24 against you? 25 <b>A Yeah. I mean, not as much as Dr. Barbara, but I</b></p>	<p style="text-align: right;">Page 73</p> <p>1 <b>sputum out of the noes of a person, and then you</b> 2 <b>send it to -- like, for analysis. And then, he</b> 3 <b>said, "Because it's just like black culture",</b> 4 <b>relaying that black culture is like -- is like a</b> 5 <b>spit or like a sputum out of the nose of someone.</b> 6 Q Okay. Who said that? 7 <b>A Brandon -- Brandon Wiggins.</b> 8 Q Dr. Sandy was a member of the Clinical Competency 9 Committee as far as you knew, true? 10 <b>A As far as I know, yeah.</b> 11 Q Okay. Dr. Yarlagadda is also from a foreign 12 country, true? 13 <b>A I believe so, yep.</b> 14 Q Okay. And like you, she completed medical school in 15 a different country, true? 16 <b>A Uh-huh.</b> 17 Q Okay. Are you accusing her of discriminating 18 against you at all? 19 <b>A Everybody discriminated, but I'm going to say the</b> 20 <b>least out of all of them.</b> 21 Q Everyone discriminated against you? 22 <b>A From the Clinical Competency, I would say the most,</b> 23 <b>Dr. Kopek and Dr. Barbara. These are the -- the</b> 24 <b>leaders of the committee, and this is what everybody</b> 25 <b>listens to. All the other attendings have to listen</b></p>

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<p style="text-align: right;">Page 90</p> <p>1 Q Dr. Elzein, I want you to take a look at what's been 2 marked as Exhibit 8 and let me know when you've 3 reviewed it. 4 <b>A Uh-huh. (Reviewing.)</b> 5 Q Actually, Dr. Elzein, you know what, let's set this 6 aside -- 7 <b>A Uh-huh.</b> 8 Q -- and we'll come back to it, because I believe 9 there is actually a page missing. So, we'll come 10 back to this really quick. 11 MR. WASLAWSKI: Actually, can we 12 take a break real quick? Is now -- now a good time? 13 <b>THE WITNESS: Sure. Sure.</b> 14 VIDEO TECHNICIAN: Off the record at 15 12:27 p.m. 16 (Off the record at 12:27 p.m.) 17 (Back on the record at 12:44 p.m.) 18 VIDEO TECHNICIAN: We are back on 19 the record at 12:44 p.m. 20 BY MR. LASSER: 21 Q All right, Dr. Elzein. As the videographer just 22 stated, we are back on the record. I will represent 23 to you during the record, there was a page missing 24 from Exhibit 8, which we've since corrected. You'll 25 see that it bears the Bates -- there's two sets of</p>	<p style="text-align: right;">Page 92</p> <p>1 Q Did you testify to that a few minutes ago? 2 <b>A Yes.</b> 3 Q Okay. 4 <b>A Yes.</b> 5 Q Take a look at the second page of this document. 6 Do you see where it says "CCC 7 Evaluation", it says "Needs improvement"? 8 <b>A Yes.</b> 9 Q Okay. And it's marked "Needs improvement", correct? 10 <b>A Yes.</b> 11 Q Okay. Is that your signature at the bottom of the 12 page where it says "Resident signature"? 13 <b>A Yes.</b> 14 Q So, you don't dispute signing this document? 15 <b>A I probably did, if it's my -- it's my signature.</b> 16 Q Yeah. In other words, you have no reason to believe 17 anyone forged your signature? 18 <b>A No. No. No.</b> 19 Q Okay. And did you review this document before you 20 signed it? 21 <b>A Possibly -- probably, yeah. I probably did.</b> 22 Q Because you usually review things before you sign 23 them, I presume? 24 <b>A Yeah.</b> 25 Q Okay. So, you agree with me that, as of at least</p>
<p style="text-align: right;">Page 91</p> <p>1 Bates numbers on this, actually. There's one set in 2 red that says "AGH Elzein 000091", is the first 3 page, and the second page is AGH Elzein 000092. And 4 also, in small font in black, it says "PLT RFP DS 5 00203", the second page is 00204. 6 Do you see those documents in front 7 of you? 8 <b>A 00204. This one?</b> 9 Q So, you're pointing, for the record, to Exhibit 8. 10 <b>A Yes.</b> 11 Q I'm referencing the numbers that I'm pointing to 12 that say "PLT RFP DS 00203", that's the first page 13 of Exhibit 8. The second page has the same prefix 14 and says "00204". 15 <b>A Yes.</b> 16 Q Do you see those numbers that I'm pointing to right 17 now? 18 <b>A Yes. Yes.</b> 19 Q Okay. That's Exhibit 8. 20 <b>A Okay.</b> 21 Q So, a few minutes ago -- I -- correct me if I'm 22 wrong. You disputed being informed in writing on or 23 about October 12th, 2020 that the CCC evaluated you 24 as needing improvement. 25 <b>A Uh-huh.</b></p>	<p style="text-align: right;">Page 93</p> <p>1 October 12th, 2020, agents of Ascension Genesys 2 Hospital, including other members of your own race, 3 that being Dr. Reginald Sandy, a member of the CCC, 4 felt that you were not performing up to the 5 standards of your residency at which were expected 6 of you in the fall of 2020? 7 <b>A Yes.</b> 8 Q Okay. Now, you can set that aside, Dr. Elzein. 9 I'll take that and hand it to the court reporter so 10 we don't lose it. 11 <b>A Yep.</b> 12 Q At some point during the morning of November 11th, 13 2020, it's true that you made a report to security 14 that an unfamiliar person wearing a physician's coat 15 entered the resident lounge and placed an unseen 16 item into a locker; is that true? 17 <b>A Yes.</b> 18 Q Okay. Do you know who you reported to -- that to 19 within security? 20 <b>A Not the name. I know of security personnel, but I'm</b> 21 <b>not sure --</b> 22 Q Okay. Do you know if she was a male or female? I'm 23 sorry, do you know if this person was a male or a 24 female? Sorry about that. 25 <b>A On the phone or, like, the one that showed up?</b></p>



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<p style="text-align: right;">Page 94</p> <p>1 Q Well, yeah, that's a good question. Let me step 2 back. 3 How did you report? 4 A By the phone. 5 Q Okay. What did you say on the phone? 6 A I said that there's an individual who's not part of 7 our program. So -- who's not part of our program 8 and just entered the locker. I've never seen this 9 individual before. He's not familiar -- he's not a 10 familiar face to me. And he placed an unknown 11 object into the locker. 12 Q Okay. Did you say anything else on the phone? 13 A That's it. 14 Q Did the person in security say anything back to you? 15 A He said, "Thank you for informing us and we'll check 16 it out." 17 Q And that was the end of the phone call, I take it? 18 A Yes. 19 Q How long would you reasonably estimate that -- or if 20 you know, how long was that phone call? 21 A It was a very -- a couple of minutes. 22 Q Couple of minutes? 23 A Yeah. 24 Q Okay. Did you say anything else during the phone 25 call?</p>	<p style="text-align: right;">Page 96</p> <p>1 Q Okay. And you're, like, what, 6'1", 6'2"? 2 A Yeah, yeah, like 5'11", something like that. 3 Q Okay. Now, I know you might dispute the nature of 4 your behavior, but, are you aware that on the same 5 day -- and I'm referring to November 11th, 2020 -- 6 A Uh-huh. 7 Q -- that multiple other residents reported to Dr. 8 Pawlaczyk that you were exhibiting strange behavior? 9 A I'm not aware of that. 10 Q Okay. So, you're not aware of it. So, you don't 11 have any reason to believe it's untrue or true -- 12 A Yeah. 13 Q -- as such reports were made? 14 A I'm not true -- I'm not sure, yeah. 15 Q Okay. So, what time of day did the locker -- and 16 let me back up. 17 When security personnel reported to 18 the residents' lounge -- 19 A Yes. 20 Q -- what time of day was that, approximately? 21 A Around 9. 22 Q A.m.? 23 A Yes. 24 Q And I believe you testified a moment ago -- but 25 correct me if I'm wrong -- that they checked out the</p>
<p style="text-align: right;">Page 95</p> <p>1 A No. 2 Q Okay. What happened next? 3 A The security personnel arrived and they checked out 4 the locker. 5 Q Can I stop you real quick just so I can do this item 6 by item to make sure I don't miss anything? 7 A Yes. 8 Q How many security personnel responded? 9 A I think it was one or two, to the best of my belief. 10 One or two security officers. 11 Q So, potentially more than one, but you don't 12 remember as you sit here today? 13 A Yeah. Yeah, yeah, yeah. I think it was one or two. 14 One or two. 15 Q Okay. 16 A Yeah. 17 Q Do you remember what either of these persons looked 18 like? 19 A Yeah, I -- I remember what they looked like. 20 Q Can you describe them to me, like, their height -- 21 A I know they -- 22 Q -- race, gender? 23 A They were white -- they were Caucasian male. 24 Height, about, like -- I don't know, my -- my 25 height.</p>	<p style="text-align: right;">Page 97</p> <p>1 residents' lounge, there was no issue -- 2 A Yes. 3 Q -- that they found, and then they left? 4 A Yes. 5 Q Okay. What happened next, that you remember, during 6 that day of November 11th, 2020? 7 A I don't remember. Next, I continued to -- 8 Q Let me stop you real quick. Make sure you speak up 9 for the record. 10 A Yes. 11 Q The court reporter has been having problems hearing 12 you. 13 A Oh, I'm sorry. 14 Q And although you're mic'ed up on the video, I'm not 15 concerned about that -- 16 A Yes. 17 Q -- I just want to make sure she's getting the 18 transcript. 19 A Oh, yeah, yeah. 20 Q It's okay, I think you're just naturally a quiet 21 person. 22 A I am, yeah. I'm sorry. 23 Q It's -- no. You don't need to be sorry, it's 24 totally fine. But continue with your answer. 25 A I was -- I continued to work on my computer on a</p>



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<p style="text-align: right;">Page 98</p> <p>1 lecture, patient notes, I was working some patient 2 notes. And then, I remember being called to talk to 3 Natalia, the senior resident year -- second year. 4 Q What's Natalia's last name? 5 A Baj-Osiewicz. 6 Q Okay. We can figure out the spelling later. Do you 7 know the spelling, offhand, of that, though? 8 A It's B-A-J-something -- B-A-J, then dash, 9 O-S-W-E-I-C-K (sic). 10 MR. WASLAWSKI: Okay. Ms. Snowden, 11 let's check on -- I'll check on the spelling with 12 that later. 13 BY MR. WASLAWSKI: 14 Q So, you were called to speak with -- I'll just call 15 her Dr. Natalia, is that okay? 16 A Yeah. 17 Q Because her name is -- I'm not sure I can pronounce 18 it, frankly. 19 A Yeah. 20 Q So, you spoke to Dr. Natalia. Who -- how were you 21 called to speak with her? Like, were you paged -- 22 A No. She knocked on the door and came to the room. 23 Q Okay. 24 A Yeah. 25 Q So, she -- she came to your room?</p>	<p style="text-align: right;">Page 100</p> <p>1 These lockers are for you only, the ten interns. If 2 there's something -- if -- if you feel like there's 3 a senior or someone coming in and using your 4 lockers, please inform me." 5 And I told her that I felt 6 uncomfortable by this individual, who was not one of 7 our interns, that came and used our room and put 8 something into the locker, and I -- I informed 9 security about that. 10 Q Okay. And when you say "Interns", you're referring 11 to, like -- in other words -- 12 A First years. 13 Q -- residents? 14 A First-year residents. 15 Q Oh, first-year residents? 16 A Yeah. 17 Q I'm sorry, you -- you did say that earlier. 18 A Yeah. 19 Q So, you said that she asked you why you called 20 security, you gave her that explanation? 21 A Yes. 22 Q What happened next in your conversation? 23 A And then, she said, "Are you -- are you suffering 24 from PTSD? Do you have PTSD?" Or something like 25 that. And I said no.</p>
<p style="text-align: right;">Page 99</p> <p>1 A Yes. 2 Q And do you know what time of day that was, 3 approximately? 4 A A couple of hours after the phone call. 5 Q So, a couple hours after 9:00 a.m., so that puts us 6 in, like, the late morning of November 11th -- 7 A Yeah, yeah. 8 Q -- 2020, approximately? 9 A Yeah. Approximately. 10 Q And if you don't know, just let me know. 11 A Yeah, yeah, yeah. 12 Q It's okay. I'm not trying to, like -- you know, 13 this is not a test. I'm just -- 14 A Yeah. 15 Q -- going off your recollection. 16 What did she say to you when she 17 entered the room? 18 A She said, "Why did you call security?" 19 Q Okay. And how did you respond? 20 A I responded by -- I told her that "You know how we 21 have an intern -- intern lounge? It's only ten 22 interns that are allowed to be in that lounge." 23 And I remember how the chief 24 resident told us that "If -- if someone who's not an 25 intern uses one of these lockers, you inform me.</p>	<p style="text-align: right;">Page 101</p> <p>1 And then, she said -- so, when she 2 said -- and then, she -- I remember somewhere in 3 there, she was talking about "So, how are you, like, 4 doing overall? How are you doing?" Something like 5 that. 6 And I told her, "Frankly, honestly, 7 I'm not feeling very comfortable lately. The past 8 few weeks have been not the greatest. I don't know 9 what I did -- if I did something wrong or something, 10 but, the other day when I was praying, someone -- a 11 resident sat right next to me when there was two 12 other fellow residents and told me, Why don't you 13 just leave and get out of here and go back to where 14 you came from?" 15 And I told her that made me feel 16 upset that day. And I told her "The other day, a 17 female white Caucasian resident told -- said that my 18 nigger hurts. Instead of saying My neck hurts, they 19 said My nigger hurts." 20 And that -- that made me feel very 21 upset. And I felt like -- I felt like the overall 22 environment is -- is -- I feel like I'm being 23 singled out, I'm -- I'm being harassed, and I'm not 24 sure if there's something I did wrong, if there's 25 something I can fix about my -- if -- if there's</p>



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<p style="text-align: right;">Page 102</p> <p>1 something I did wrong that upset these residents, 2 or -- or -- or I'm doing something that's out of 3 order, if something -- there is something I can fix. 4 And she -- she just said -- I don't 5 know. She just said, like, "Ahh." I didn't get any 6 positive response to that. 7 Q When you said the go back where you came from, 8 that's the incident we talked about briefly earlier 9 during your deposition, correct? 10 A Yes. 11 Q Okay. So, there weren't two incidents where you 12 were told to go back to where you came from on 13 multiple occasions -- 14 A No. 15 Q -- it was the one incident you referenced earlier 16 that you then reported to Dr. Natalia during your 17 conversation with her on November 11th, 2020? 18 A Yes. 19 Q Okay. So, you tell her you're not feeling well, you 20 said that a white -- you reported to Dr. Natalia 21 that -- and I'm not going to use the word. You -- 22 you're -- you can certainly use it, but I'm just not 23 comfortable. 24 Someone said, "My N-word hurts"? 25 A Yeah.</p>	<p style="text-align: right;">Page 104</p> <p>1 up -- I'm not sure how long it took. Like, a couple 2 of minutes. 3 Q Less than 10 minutes? 4 A Definitely -- definitely less than ten minutes. 5 Q Okay. What happened next that you recall? 6 A I think she said -- 7 Q Hold on, who -- we just -- 8 A Oh, Natalia. 9 Q Okay. 10 A Yes. 11 Q So, start -- so Natalia -- Dr. Natalia leaves? 12 A Yes. 13 Q What happens next? 14 A So, I get out of that room. So, there's two 15 lounges; there's a resident lounge for second and 16 third years, and there's a lounge for the first-year 17 intern lounge, but I stayed at the second and third 18 resident lounge, and I started working on my 19 computer on some patient notes. And after that, 20 Natalia told me that she spoke to the program 21 director and the program director wants to speak to 22 me on the phone. 23 Q Okay. So, I think you might have skipped over some 24 things, but I think I can gather what you skipped 25 over.</p>
<p style="text-align: right;">Page 103</p> <p>1 Q And then, you also reported to her about the comment 2 that was made to you about going back to your 3 country? 4 A Yes. 5 Q Okay. So, what happened next? 6 A She didn't say anything. She said, "Oh, wow. 7 Really?" 8 Like, as if you're talking to a 9 child. Like, you're -- you're making something up 10 -- like -- it felt like -- like I was -- I was, 11 like, a child, like, she was like, "Oh, wow. 12 Really?" 13 She said that "Oh, here in this 14 hospital?" 15 And I'm just like, "Yes." 16 And she's like, "Okay, sure. 17 Whatever. I'll -- I -- I got to go. I got to get 18 out the room", or something, "I got to go." 19 And that was the end of the 20 conversation. 21 Q How long would you estimate that conversation took? 22 A A couple -- couple of minutes. Like, three, 23 four minutes. 24 Q It was only three, four minutes? 25 A I mean, it was -- it was a -- that's when I opened</p>	<p style="text-align: right;">Page 105</p> <p>1 At some point, Dr. Natalia -- where 2 you left off a minute ago -- left? 3 A Uh-huh. 4 Q And then, she came back? 5 A She never -- she didn't -- so -- 6 Q Because you -- you just testified you communicated 7 with her following your -- your little meeting with 8 her when you were in the second -- 9 A Yeah. So -- so -- so, we -- we have a lounge, like 10 I said. 11 Q Okay. 12 A It's, like, a big lounge, and then it has rooms 13 inside of it. So, we were -- we were in a private 14 room when we were speaking, me and Natalia. So, 15 like, this type of room. And then, there's a lounge 16 where everybody sits, like -- like this hallway, for 17 example. 18 I went out to the hallway. We both 19 left the room. And then, there's another private 20 room. So, there's two -- two private rooms. 21 There's, like, two private rooms inside of the 22 lounge people where people work at, like, on the 23 computer. And then, that one, there's -- that's, 24 like -- it has a bed for, like, night flow. 25 So she left, and I was in the</p>

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<p style="text-align: right;">Page 106</p> <p>1 resident lounge, and she told me that -- she went 2 into the other room to talk on the phone. And she 3 told me that Dr. Pawlaczyk, the program director, 4 wants to speak to me on the phone. 5 Q Yeah. I'm just confused. How did -- does she 6 return to you, or did she call you, because -- 7 A Yeah, she returned to the -- like, the resident 8 lounge. 9 Q Okay. 10 A Yeah. Yeah. 11 Q So, she leaves, then returns -- you leave, you go to 12 a new lounge, she -- 13 A The same lounge, yeah. 14 Q The same lounge, and then she returns? 15 A Yes. 16 Q And says, "Dr. Pawlaczyk wants to speak with you"? 17 A Yes. 18 Q I have that right? 19 A Yes. 20 Q Okay. What happened next? 21 A So, I picked up the phone and I say, "Hello." 22 She said, "Hello." She said -- 23 Q Hold on. She -- you got -- I just -- the pronouns 24 is going to be confusing for the record. 25 You pick up the phone and you were</p>	<p style="text-align: right;">Page 108</p> <p>1 Q Okay. 2 A Yes. 3 Q And just to be very clear so we have a clear record, 4 was there anything else you specifically cited, 5 aside from the "My N-word hurts" -- 6 A Uh-huh. 7 Q -- and number two, "Go back to where you came 8 from" -- 9 A Yes. 10 Q -- at that time? 11 What else did you specifically tell 12 Dr. Pawlaczyk that you recall? 13 A I can't recall saying anything else. I was just 14 being -- I said I was being singled out and being 15 harassed -- 16 Q Okay. 17 A -- and I feel uncomfortable. 18 Q So, let me -- let me -- unpack this to make sure -- 19 A Yes. 20 Q -- I'm understanding you right. 21 A Yes. 22 Q You generally complained that you're being harassed 23 and singled out? 24 A Yes. 25 Q You generally say that --</p>
<p style="text-align: right;">Page 107</p> <p>1 speaking to Dr. Pawlaczyk? 2 A Yes. 3 Q Okay. I'm sorry. I just want a clear record. I 4 don't mean to be rude or -- 5 A No, no, no, that's fine. 6 I said "Hello." 7 She said, "Ahmed, what's going on?" 8 And I said, "Nothing." I just said 9 -- I told her that I was -- I was telling Natalia 10 about how I was being harassed and I was being 11 singled out by the residents, and if there's 12 something about my personality or just something I 13 did wrong to anybody that I can fix, and I'm not 14 sure why I'm being -- I'm being told these very, 15 like, bad things about my -- my race, my -- my 16 culture, all of that stuff. And -- 17 Q Can I stop you real quick, just to make sure I 18 understand what you're saying? 19 A Yes. 20 Q When you said to Dr. Pawlaczyk, "I'm being 21 harassed" -- 22 A Yes. 23 Q -- did you describe the same two incidents that you 24 identified to Dr. Natalia? 25 A Yes.</p>	<p style="text-align: right;">Page 109</p> <p>1 A Yes. 2 Q -- like, "I'm being harassed, I'm being singled 3 out"? 4 A Yes. 5 Q But then, you specifically asserted that a white 6 female resident says, "My N-word hurts", except she 7 used the actual word? 8 A Yeah. 9 Q And then, you also said, "Another resident told me 10 to go back where I came from"? 11 A Yes. 12 Q So, you -- we have a general complaint -- 13 A Yes. 14 Q -- a specific complaint number one -- 15 A Yes. 16 Q -- and a specific complaint number two -- 17 A Yeah. 18 Q -- for three complaints you made to Dr. Pawlaczyk? 19 A Generally -- generally, yeah. Yes. 20 Q Is there anything else you specifically recall, as 21 you sit here today, that you complained about 22 specifically to Dr. Pawlaczyk on the phone on 23 November 11th of 2020? 24 A I can't recall, to the best of my knowledge. 25 Q Is there anything you believe that could refresh</p>



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<p style="text-align: right;">Page 118</p> <p>1 ultimately, as part of your continuing medical 2 education as a resident, you're going to be put into 3 difficult situations in which you are expected to 4 provide patient -- a high level of patient care in 5 stressful situations; is that accurate? 6 <b>A Yeah.</b> 7 Q And Dr. Dolehanty was trying to train you for those 8 situations during that incident, correct? 9 <b>A Possibly, yeah.</b> 10 Q So, have we fully discussed the circumstances, from 11 start to finish, of the November 10th, 2020 12 interactions between you and Dr. Dolehanty -- 13 <b>A Yes.</b> 14 Q -- regarding -- regarding the combative and 15 psychotic patient? 16 <b>A Yeah.</b> 17 Q Okay. There's nothing else that happened? 18 <b>A No.</b> 19 Q Okay. So, let's go back to November 11th now -- 20 <b>A Yeah.</b> 21 Q -- fast forward back to where we left off. 22 <b>A Yes.</b> 23 Q You had a phone -- following your -- your meeting 24 with Dr. Natalia in which you complained about a 25 person saying, "My N-word hurts" and "Go back to</p>	<p style="text-align: right;">Page 120</p> <p>1 <b>And I said -- I gave her my reasons,</b> 2 <b>but she was not very -- she didn't take that very</b> 3 <b>well. And then, it turned into, "Why did you call</b> 4 <b>security?"</b> 5 <b>I felt like I was being accused of</b> 6 <b>things at that time.</b> 7 Q Okay. So, you made the -- sorry, I -- I was 8 confused. 9 You made the three complaints to her 10 at that point in time? 11 <b>A Yes.</b> 12 Q And then, she -- you weren't complaining about the 13 November 10th, 2020 -- 14 <b>A No.</b> 15 Q -- Dr. Dolehanty, that's just something she brought 16 up to you? 17 <b>A Yes.</b> 18 Q Okay. Let's go back to Exhibit 2, please, Doctor. 19 I'm going to hand it to you. This is the -- I have 20 it. I will take that exhibit, though, so it doesn't 21 get lost in the shuffle, so to speak. 22 <b>A Yes.</b> 23 Q So, if you could turn to the first page of 24 Exhibit 2. If you look, it's actually 25 highlighted --</p>
<p style="text-align: right;">Page 119</p> <p>1 where you came from", you then spoke to Dr. 2 Pawlaczyk via phone? 3 <b>A Yes.</b> 4 Q And during that phone call, you generally complained 5 that you were harassed and discriminated against? 6 <b>A Yes.</b> 7 Q And you repeated the two complaints you made to Dr. 8 Natalia; one being "My N-word hurts" by a white 9 female resident, as well as to go back to where you 10 came from? 11 <b>A Yes.</b> 12 Q <b>And then, you also relayed the November 10th,</b> 13 <b>2020 --</b> 14 <b>A She -- she's the one who relayed that part.</b> 15 Q Oh, she brought that up? 16 <b>A Yes.</b> 17 Q Okay. Well, tell me what she said about it. 18 <b>A So, she said -- first, she was kind of upset and</b> 19 <b>angry. She's like, "Why did you not see that</b> 20 <b>patient yesterday?"</b> 21 <b>And -- and it was more, like, why</b> 22 <b>did you -- accuse -- accusing me of kind of, like,</b> 23 <b>being too careful or something. She's like, "Why --</b> 24 <b>why did you just suddenly decide not to see that</b> 25 <b>patient?"</b></p>	<p style="text-align: right;">Page 121</p> <p>1 <b>A Uh-huh.</b> 2 Q -- the sentence I want to refer you to. 3 This says, "On November 11th, 2020, 4 I complained to the program director of internal 5 medicine that I was being subjected to racial 6 comments and not being taken serious." 7 <b>A Yes.</b> 8 Q Do you see where it says that? 9 <b>A Yep.</b> 10 Q We just talked about that, right? 11 <b>A Yeah.</b> 12 Q We've covered what you complained to her about on 13 November 11th of 2020, true? 14 <b>A Most -- most stuff, I can't remember. The things</b> 15 <b>that I remember, yeah.</b> 16 Q Everything you can remember -- 17 <b>A Yeah.</b> 18 Q -- we -- we -- you testified to at this point, 19 right? 20 <b>A Yeah, yeah, yeah.</b> 21 Q Okay. Is that the first -- that's the first time, 22 according to your charge of discrimination, you 23 complained to the program manager, that being -- 24 sorry, program director Dr. Pawlaczyk, correct? 25 <b>A No. I complained to her previously.</b></p>

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<p style="text-align: right;">Page 126</p> <p>1 discrimination?</p> <p>2 <b>A Yes.</b></p> <p>3 Q Your October 4th or October 5th, whatever date it</p> <p>4 was, was more of a generalized complaint of being</p> <p>5 excluded?</p> <p>6 <b>A Yes.</b></p> <p>7 Q Okay.</p> <p>8 <b>A Yes.</b></p> <p>9 Q Did you say anything else, during that October 4th</p> <p>10 or October 5th meeting with Dr. Pawlaczyk, regarding</p> <p>11 your complaint?</p> <p>12 <b>A Nothing specific. I was too scared to do that.</b></p> <p>13 Q And what did she say in response to your complaint</p> <p>14 on October 5th or October -- sorry, strike that --</p> <p>15 October 4th or October 5th?</p> <p>16 <b>A She brushed it off, left the room.</b></p> <p>17 Q Okay. She just walked out silently?</p> <p>18 <b>A Yeah. Dr. Yarlagadda sat down and she said -- I</b></p> <p>19 <b>don't know, she just -- she just said "Okay." And</b></p> <p>20 <b>she just left the room.</b></p> <p>21 Q Okay. So, just to be clear, the big day -- the big</p> <p>22 day in terms of complaint, specific instances of</p> <p>23 discriminatory conduct, was November 11th of 2020?</p> <p>24 <b>A Yes.</b></p> <p>25 Q Okay. So, staying with the -- let me back up.</p>	<p style="text-align: right;">Page 128</p> <p>1 BY MR. WASLAWSKI:</p> <p>2 Q What did you say in response?</p> <p>3 <b>A I said, "Okay, if that's what you want me to do."</b></p> <p>4 Q And you said "Okay"?</p> <p>5 <b>A Yep.</b></p> <p>6 Q Then, what happened next?</p> <p>7 <b>A She said, "I also want you to talk to the</b></p> <p>8 <b>psychologist at the hospital."</b></p> <p>9 Q Did she identify a psychologist by name?</p> <p>10 <b>A She -- she said -- she didn't. She did not, at that</b></p> <p>11 <b>point.</b></p> <p>12 Q How many psychologists were there that you're aware</p> <p>13 of?</p> <p>14 <b>A I know one. I know one.</b></p> <p>15 Q Okay. Is this the psychologist she was referring</p> <p>16 to, as far as you can gather?</p> <p>17 <b>A I think so.</b></p> <p>18 Q What's his name?</p> <p>19 <b>A Kirkpatrick.</b></p> <p>20 Q Kirkpatrick?</p> <p>21 <b>A Her -- her name, Kirkpatrick.</b></p> <p>22 Q So, she says I think -- "She" being Dr. Pawlaczyk</p> <p>23 says, "I think you need to see the psychologist"?</p> <p>24 <b>A Yep.</b></p> <p>25 Q What happened next?</p>
<p style="text-align: right;">Page 127</p> <p>1 This conversation you're having with</p> <p>2 Dr. Pawlaczyk on November 11th of 2020 --</p> <p>3 <b>A Uh-huh.</b></p> <p>4 Q -- in which you complained to her about the racial</p> <p>5 comments we just discussed --</p> <p>6 <b>A Uh-huh.</b></p> <p>7 Q -- do you have any recordings of that meeting?</p> <p>8 <b>A No.</b></p> <p>9 Q Okay. Other than what you've provided to your</p> <p>10 attorney, do you have any notes or, like, diary</p> <p>11 entries regarding that meeting, whether in</p> <p>12 electronic or hard copy format?</p> <p>13 <b>A No.</b></p> <p>14 Q Okay. So, as far as you can remember, you give --</p> <p>15 and I think you complained of -- you make the racial</p> <p>16 comments complaint to Dr. Pawlaczyk on</p> <p>17 November 11th, 2020. What does she say in response,</p> <p>18 if anything?</p> <p>19 <b>A She said, "I think you need to take to the -- the</b></p> <p>20 <b>next day off. I need to -- I think you need to take</b></p> <p>21 <b>the next day off" --</b></p> <p>22 MR. LASSER: I'm sorry, what's that?</p> <p>23 <b>THE WITNESS: "I think you need to</b></p> <p>24 <b>take the next day off. Don't come to work</b></p> <p>25 <b>tomorrow."</b></p>	<p style="text-align: right;">Page 129</p> <p>1 <b>A The -- Dr. Kirkpatrick, she texted me on the -- my</b></p> <p>2 <b>phone. She said that Dr. Barbara asked her to speak</b></p> <p>3 <b>to me, and -- and she would be giving me a call, and</b></p> <p>4 <b>I said "Okay." I agreed.</b></p> <p>5 Q Okay. So, you agreed to meet with the psychologist?</p> <p>6 <b>A On phone, yeah.</b></p> <p>7 Q On the phone?</p> <p>8 <b>A Yeah.</b></p> <p>9 Q Okay. So, did you talk to -- what happened next?</p> <p>10 <b>A At that point, I said I needed -- I needed, like, a</b></p> <p>11 <b>couple of minutes to -- to give her a call back.</b></p> <p>12 <b>And I was just trying to process everything that I</b></p> <p>13 <b>-- I just came in with a complaint of racial</b></p> <p>14 <b>harassment and now I'm thinking I'm being portrayed</b></p> <p>15 <b>as psychotic or psychiatrist -- psychologically</b></p> <p>16 <b>abnormal. So, I kind of, like -- I'm trying to</b></p> <p>17 <b>process -- I was trying to process what was going</b></p> <p>18 <b>on. And I told -- I told the senior -- the chief</b></p> <p>19 <b>resident, "I'm going to go to my car just to listen</b></p> <p>20 <b>to some music and just take a breath -- breath of</b></p> <p>21 <b>fresh air."</b></p> <p>22 Q Sorry, who is the chief resident?</p> <p>23 <b>A Dr. Ashok (ph).</b></p> <p>24 Q Ashok?</p> <p>25 <b>A Yeah.</b></p>



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<p style="text-align: right;">Page 130</p> <p>1 Q Okay. So, you tell -- where was Dr. Ashok in all of 2 this? And did you walk somewhere else and tell him 3 that? 4 A No. He was in the lounge. 5 Q He was in the lounge? Okay. 6 A Yeah. Yep. 7 Q Okay. So, what happened; did you go to your car? 8 A Yeah. 9 Q And what happened next? 10 A I sat in my car. I was charging my phone, just 11 listening to some music and just, like, relaxing. 12 And then, two residents came to my car. 13 Q Who were they? 14 A One was by the name of Laura, Laura Gindy (ph), and 15 the other was Kanksha Peddi. 16 Q Okay. What happened when they approached your car? 17 A I rolled down my window and I said "Hi." 18 They said, "What are you doing? Are 19 you going home or something?" 20 And I said -- I was like, "No, I'm 21 just -- just taking -- taking a break, taking a 22 breath of fresh air." 23 And they said, "Hey, come inside 24 with us. Let's go get something to eat." 25 Then, I was like, "Okay."</p>	<p style="text-align: right;">Page 132</p> <p>1 they said, "Let's go eat together" and I was like, 2 okay, why are they -- why are they leaving right 3 now? 4 But they left and it was just me, 5 Dr. Barbara, and -- and Natalia. 6 Q Okay. 7 A And I got my smoothie, and she said, "Let's sit down 8 at the" -- 9 Q Who is "She"? 10 A I -- I -- I got my smoothie from the -- from the -- 11 from the -- from, like, the -- from the cafeteria. 12 Q Okay. 13 A And Dr. Barbara said, "Let's sit down and talk for a 14 little bit." 15 Which I said, "Okay." 16 And -- at a table. And while we're 17 sitting down and talking -- oh, I -- I -- this is a 18 -- there's a part I have to -- when I was talking to 19 Natalia earlier in the room, I told her that I have 20 a -- I have a video recording of some of the 21 harassment that I -- I received during -- when I was 22 at the hospital. And I think that made everybody 23 feel very scared or something. 24 And I -- I'm not sure, but when we 25 were sitting down, it was me, Dr. Barbara, and</p>
<p style="text-align: right;">Page 131</p> <p>1 And I left my car, and I -- I 2 followed them to -- to go into the hospital. And 3 then, that's where I meet Natalia at the front -- 4 the front of the hospital at the gate, almost at the 5 front of the door, and she said also the same thing, 6 "Where did you think you were going?" 7 And I was like, "I was just going to 8 sit in my car." 9 And she's like, "Yes. Let's go back 10 inside into the hospital." 11 I was like, "Okay. Let's go." 12 And I went to -- they said, "Do you 13 want to get -- let's get something to eat." 14 And I was like, "Okay, I'll go get 15 something, like a smoothie or something." 16 And I was standing to get a 17 smoothie. It was me, her, and the three of them. 18 And while we were waiting to get my smoothie, Dr. 19 Barbara came, like, she arrived. I don't -- I don't 20 know if she was there or what she was -- she came to 21 the cafeteria. 22 And then, that's when, slowly, the 23 -- Kanksha and Laura, who came to me originally at 24 the car, left. The -- they left and went upstairs. 25 She made me feel a little bit, like, weird, because</p>	<p style="text-align: right;">Page 133</p> <p>1 Natalia -- 2 Q Okay. Can I stop you real quick? We're going to 3 revisit this. It's just a long explanation. 4 A Yes. 5 Q So, we'll -- just to be clear for the record, you 6 sat down with them, that's where we're leaving off? 7 A Yes. 8 Q Did you retain a copy of that recording that you 9 told Dr. Natalia about? 10 A I don't have it. I was just trying to say that 11 because no one was taking me seriously. 12 Q Oh, so you didn't have a recording -- 13 A Yeah. 14 Q -- you just said that? 15 A I just said that, because I wanted Natalia to -- and 16 Dr. Barbara to -- to actually believe my story. 17 Q Okay. So, that was untrue, though? 18 A It was untrue. 19 Q Okay. Now, you mentioned to me -- it was a moment 20 ago -- a few minutes ago during your testimony, the 21 two residents who went out to your car -- 22 A Yeah. 23 Q -- I think Laura was one of them? 24 A And Kanksha. 25 Q And Kanksha; did I say that correctly?</p>

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<p style="text-align: right;">Page 134</p> <p>1 <b>A Yeah.</b></p> <p>2 Q Okay. Were they first-year residents as well?</p> <p>3 <b>A Yes.</b></p> <p>4 Q And Kanksha, like you, is a foreign national, true?</p> <p>5 <b>A Yes.</b></p> <p>6 Q Okay. Were you friends with them?</p> <p>7 <b>A I was really -- I -- just professional.</b></p> <p>8 <b>Professionally workmates, I guess.</b></p> <p>9 Q You got along with them?</p> <p>10 <b>A Kind of, yeah. I mean, I was -- I was being singled</b></p> <p>11 <b>out a lot by the program at the end of my period</b></p> <p>12 <b>down there, so not a lot of people were allowed to</b></p> <p>13 <b>hang out with me. I would say that.</b></p> <p>14 Q Well, who didn't allow them to hang out with you?</p> <p>15 <b>A The chief resident. The chief resident. The chief</b></p> <p>16 <b>resident wouldn't -- like, they -- they didn't allow</b></p> <p>17 <b>everybody to -- to hang out.</b></p> <p>18 Q The chief resident implemented some sort of rule</p> <p>19 prohibiting --</p> <p>20 <b>A Yeah, I mean, if -- if you --</b></p> <p>21 Q Hold on. Let me finish my question.</p> <p>22 <b>A Absolutely, yeah.</b></p> <p>23 Q How did the chief resident prohibit other first-year</p> <p>24 residents from hanging out with you?</p> <p>25 <b>A Basically by me not being in the rotations, by me</b></p>	<p style="text-align: right;">Page 136</p> <p>1 <b>A Uh-huh.</b></p> <p>2 Q -- they ever say anything discriminatory to you?</p> <p>3 <b>A They were there when discriminatory actions would</b></p> <p>4 <b>happen and they didn't do anything about it.</b></p> <p>5 Q Okay. But they didn't say anything to you?</p> <p>6 <b>A Not in specific, no.</b></p> <p>7 Q Okay. So, where we left off a moment ago when you</p> <p>8 gave a very long, detailed explanation was, you were</p> <p>9 sitting down. You got your smoothie --</p> <p>10 <b>A Yep.</b></p> <p>11 Q -- and you were sitting down with Dr. Pawlaczyk and</p> <p>12 Dr. Natalia; is that accurate?</p> <p>13 <b>A Yes.</b></p> <p>14 Q <b>What happened next when you --</b></p> <p>15 <b>A So --</b></p> <p>16 Q <b>-- while you were sitting down?</b></p> <p>17 <b>A -- when I was sitting down, my phone was in front of</b></p> <p>18 <b>me, like, right here. And I was talking. And</b></p> <p>19 <b>Natalia grabs my phone and walks away with it.</b></p> <p>20 Q Okay.</p> <p>21 <b>A She leaves the -- She leaves the table where me and</b></p> <p>22 <b>Dr. Barbara are speaking. I -- I saw that the phone</b></p> <p>23 <b>wasn't there, I just didn't say anything about it.</b></p> <p>24 <b>I didn't understand what was going on. And after a</b></p> <p>25 <b>couple of minutes, Dr. Barbara waves to Natalia to</b></p>
<p style="text-align: right;">Page 135</p> <p>1 <b>not being in the same rotations that the other</b></p> <p>2 <b>interns were on. Like, when Dr. Barbara implemented</b></p> <p>3 <b>that plan she had, or the remediation plan that it</b></p> <p>4 <b>was never sent to my e-mail, it -- it singled me</b></p> <p>5 <b>out. I was always in the clinic while all the</b></p> <p>6 <b>interns were at the hospital. So, we didn't really</b></p> <p>7 <b>have a relationship.</b></p> <p>8 Q Okay. So, as part of your remediation plan when</p> <p>9 your -- when your schedule was shifted for a</p> <p>10 ten-week period --</p> <p>11 <b>A Yeah.</b></p> <p>12 Q -- you're saying your interaction with the residents</p> <p>13 were less frequent --</p> <p>14 <b>A Very -- very --</b></p> <p>15 Q -- than they were previously?</p> <p>16 <b>A Yes.</b></p> <p>17 Q But there wasn't any sort of rule saying, hey,</p> <p>18 first-year residents, you're not allowed to hang out</p> <p>19 with Dr. Elzein?</p> <p>20 <b>A No, no. No, no, no.</b></p> <p>21 Q Okay. I just want to make sure we --</p> <p>22 <b>A No.</b></p> <p>23 Q -- have that clear for the record.</p> <p>24 <b>A No. No. No.</b></p> <p>25 Q Okay. Laura and Kanksha --</p>	<p style="text-align: right;">Page 137</p> <p>1 <b>come back and give me my phone back.</b></p> <p>2 Q Okay.</p> <p>3 <b>A She gives me my phone back, and --</b></p> <p>4 Q Do you know why she took your phone?</p> <p>5 <b>A I think I do. I think it's because I said that I</b></p> <p>6 <b>have some recordings of some of the harassments that</b></p> <p>7 <b>were going on.</b></p> <p>8 Q So, what do you think she -- why do you think she</p> <p>9 took your phone though? Like, what was she going to</p> <p>10 do with it, as far as you knew?</p> <p>11 <b>A I don't -- I don't know. I don't know. If you're</b></p> <p>12 <b>sitting down somewhere and someone takes your phone,</b></p> <p>13 <b>you just feel suspicious about -- I mean, I'm not</b></p> <p>14 <b>sure. I'm not sure why she took my phone.</b></p> <p>15 Q You're not sure why she took your phone?</p> <p>16 <b>A No.</b></p> <p>17 Q You're just speculating that because you had</p> <p>18 mentioned there was a video on your phone, you think</p> <p>19 she took your phone?</p> <p>20 <b>A Yeah.</b></p> <p>21 Q Okay. You had a passcode on your phone, I presume,</p> <p>22 right?</p> <p>23 <b>A Of course.</b></p> <p>24 Q You had an iPhone, right?</p> <p>25 <b>A Of course.</b></p>



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<p style="text-align: right;">Page 138</p> <p>1 Q Yeah. So, you weren't concerned about her going 2 through your phone, because she couldn't, unless she 3 knew your passcode? 4 A Of course I didn't. Yeah. Yeah. 5 Q So, a few minutes later, you testified -- sorry. 6 You testified a moment ago that a 7 few minutes later -- 8 A Uh-huh. 9 Q -- Dr. Natalia returned with your phone? 10 A Yeah. 11 Q Okay. While she was gone with your phone, did you 12 and Dr. Pawlaczyk talk about anything; did you just 13 drink your smoothie? Tell me what happened. 14 A I can't remember the subject of the conversation. 15 She was -- I don't remember the -- like, I was -- I 16 was too focused on, like -- I've never seen someone, 17 like, take my phone off my -- in front of me like 18 that. And I was just wondering if she was going to 19 do anything about it. I didn't -- I wasn't 20 listening to anything she was saying to me at that 21 point. 22 Q So you zoned out, in other words? 23 A Yeah, I was just looking. I was like, am I going to 24 get my phone back, or what's going on right now? 25 Q Did you -- when Dr. Natalia take your phone, did you</p>	<p style="text-align: right;">Page 140</p> <p>1 things take a wrong turn. She says, "I'm mad. I 2 think you're not thinking -- I don't think you're 3 thinking right." 4 Q "She" being Dr. Barbara -- 5 A Dr. Barbara. 6 Q -- Pawlaczyk. Okay. Sorry. Go ahead. 7 A Dr. Barbara said that "I -- I don't think you're 8 thinking right." 9 And Natalia was -- was there, I 10 believe, in the chair at the table. And I told her, 11 "Why do you think I'm not thinking right?" 12 She said, "Because of the fact that 13 you called security and the -- the fact that you" -- 14 something like that. I can't remember what she said 15 after that. 16 I -- I explained to her -- I told 17 her, "I called security because of the ongoing 18 harassment that I've been feeling from the 19 residents. This was an individual I've never seen 20 before. I felt uncomfortable, and I think it's -- 21 the security did not have any problem with me 22 calling them, and they thanked me for being 23 proactive. And I don't -- I don't see there's 24 anything wrong with me." 25 And then, she kept on insisting,</p>
<p style="text-align: right;">Page 139</p> <p>1 say, "Hey, why are you taking my phone?" 2 A I was scared. 3 Q How big is Dr. Natalia? 4 A I don't know. Like, she's -- I'm not sure. 5'7", 5 5'6", I guess. 6 Q Okay. So, when she returned with your phone, Doctor 7 -- when Dr. Natalia returned with your phone, what 8 happened next? 9 A Dr. Natalia -- after Dr. Barbara waved Dr. Natalia 10 to bring back my phone, I felt a little bit more 11 comfortable that the -- 12 Q Slow -- slow down a little bit. 13 A Sorry. 14 Q It's okay. 15 A When -- when Dr. Barbara called Natalia to bring 16 back my phone, I felt like -- I felt more 17 comfortable that there wasn't any ill-intention, 18 that Dr. Barbara wasn't really trying to harm me or 19 do anything that's bad. That's why I was like, 20 okay, even if Natalia or the residents -- Natalia 21 took my phone, which is obviously something that's 22 wrong and not right, and Dr. Barbara stopped it. 23 So, I feel like -- I started to -- to gain a little 24 bit more trust into the meeting with Dr. Barbara. 25 And after that, unfortunately,</p>	<p style="text-align: right;">Page 141</p> <p>1 "No, I think you -- you're not thinking right. 2 You're not okay. You're not the same Ahmed I know 3 from when I -- when I did my interview with you on 4 the phone. You're not the same guy." 5 And I told her, "This is -- this is 6 how I am. I'm -- I'm naturally like this. And if I 7 feel welcome and I feel in a -- in a very positive 8 environment, I'm a very nice and amazing person, but 9 when I feel unwelcome, I feel uncomfortable, and I 10 get -- sometimes, I -- I do -- I become proactive." 11 And she said -- and I told her that 12 I've been -- I did everything possible, all my 13 patients like me. All my patient reviews have been 14 stellar. And I showed her my reviews, and -- and 15 she -- 16 Q How do you show her reviews in the cafeteria? 17 A Not in the -- I was just telling her about my 18 reviews about my patients. But I told her, like -- 19 I showed her instances where patients were thanking 20 me and, like, stuff like that. I was like, 21 "Everybody in the hospital thinks I'm -- I'm a great 22 person. I don't know why the residents are treating 23 me this way." 24 And she said -- I remember 25 specifically she said, "Not all your patients."</p>



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<p style="text-align: right;">Page 142</p> <p>1 And I said -- I said, "At least most 2 of my patients thought I was -- I was, like, a good 3 person." 4 And -- because I felt like I was 5 going to be punished at that point -- a point of 6 time. I felt like I was going to be punished. And 7 she said, "No, you -- not all your patients. And 8 you're just not the same person that I -- I -- I 9 talked to on the phone." 10 And I said "Okay." 11 At that point, she told me, "I want 12 you to go -- I need you to go to the emergency room 13 right now to get checked out for -- for 14 psychological issues", or something like that. 15 And I told her, "I don't believe I 16 need to go to -- I don't want to go to the emergency 17 room to get checked out. I'm completely fine. This 18 is my first day opening up to you guys. This is my 19 natural personality. When I get harassed, I get 20 emotional and I express my emotions and I tell you 21 how I really feel. There's really nothing wrong 22 with me at all. I'm completely fine. I'm just 23 complaining to you about harassment and I -- I'm not 24 being taken seriously. That's why I'm -- I'm 25 feeling little bit frustrated."</p>	<p style="text-align: right;">Page 144</p> <p>1 Q Okay. So -- sorry, I interrupted you, but I just 2 wanted to make sure, because that was going to 3 confuse me. 4 A Yes. 5 Q What happened after Dr. Mark Vogel sat down with you 6 at the table? 7 A After that, Mark Vogel sat down with me at the 8 table, he said, "Hey, Ahmed. Did we meet before or 9 anything like that?" 10 I was, like, I think, briefly, in a 11 meeting through, like, the video meeting or 12 something like that. And he said -- he said, "So, 13 what's going on?" 14 I said -- I told him, "There's 15 really nothing going on. I just complained about 16 racial harassment to my -- to Dr. Barbara. She's 17 not taking it seriously. But I was like, okay, 18 there's no problem there, but now, she's telling me 19 to go to this -- to the emergency department, and I 20 -- I feel completely fine." 21 And he said -- and he told -- and I 22 told him that I -- I'll -- I'm trying to be -- I'm 23 not trying to be someone that's disrespectful or 24 anything to her -- to her or anything, but I told 25 her that if she needs me to go to the emergency</p>
<p style="text-align: right;">Page 143</p> <p>1 She said, "No. No, I don't believe 2 that. I think you're psychologically not right. I 3 want you to go to the emergency room immediately." 4 And I felt like I was being 5 punished. But then, I was like, "Okay, you know, 6 Dr. Barbara, I'm not going to argue with you. You 7 are my program director, and if you really want me 8 to go to the emergency room, I need you to give me a 9 clinical indication and have a psychologist write me 10 a report indicating I need to go to the emergency 11 room." 12 And she said, "You know what, okay. 13 I'm going to get" -- she said "Okay", she walked 14 away. She called the psychologist, who came and sat 15 down, and he said, "Hey, how are" -- 16 Q Hold on. 17 So, earlier, you referenced a female 18 psychologist, but this was a male psychologist -- 19 A This was another psych -- a male psychologist. 20 Q What's his name? 21 A Dr. Mark Vogel. He's the head of psychology. 22 Q Okay. 23 A He's the head of department -- 24 Q Dr. Mark Vogel joins you guys at the table? 25 A Yes.</p>	<p style="text-align: right;">Page 145</p> <p>1 department, I need her to give me, like, a 2 psychological report indicating that I'm 3 psychologically in need of psych services at the ED. 4 He looked at me and he said, "You 5 know what, I'm not going to write that report. I 6 don't think you -- you need to be going to the 7 emergency department. And I'm not going to write 8 that report for you to go to the emergency 9 department. Have a good day." 10 And he leaves. He gets -- he get up 11 -- he gets up to -- to the chair, he leave. Dr. 12 Barbara walks -- chases behind him again, tries to 13 get him to come back and speak to me. He brushes 14 her off. He says, "I'm not doing this. I'm not 15 going to -- I'm not going to be a part of this." 16 And he leaves and he walks away. 17 And when I saw that -- I saw that, I started getting 18 a little bit uncomfortable, because this was head 19 psychology of the department and he said I did not 20 need it. 21 She came back to me and she said, 22 "There's no psychology report and you still have to 23 go to the emergency department." 24 And at that point, I'm starting to 25 feel like -- I feel a little bit uncomfortable. I</p>



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<p style="text-align: right;">Page 146</p> <p>1 tell her, "But the psychologist just said I don't 2 need to go to the emergency department. I'm telling 3 you I'm feeling completely fine. Why -- why -- why 4 are you insisting on me to go to the emergency 5 department? I really don't want to go. Please let 6 me go." 7 And I even had -- I tear up at that 8 point and I was like, "Just please -- please leave 9 me alone. Please let me get out of the hospital. I 10 just want to go back home. I just want to sleep. I 11 did not do anything wrong. Even if you guys still 12 want to take my phone, if you guys want to keep the 13 phone, I'll delete everything that I have in my 14 phone. I'll delete all my recordings of the 15 harassments or anything you want to do, just please 16 just let me get out of the hospital and let me go 17 home." 18 And she said -- and Natalia said, 19 "Okay." She -- she actually nodded her head. She's 20 like, "Okay." She was agreeable with me, like, 21 deleting my phone -- my phone records. 22 But Barbara said, "No, I don't care 23 about none of that. You're going to go. You're 24 going to go." 25 Natalia walks away. I started</p>	<p style="text-align: right;">Page 148</p> <p>1 you just come -- come here and help me and get me 2 out of here? I'll pay you at least -- I'll pay a 3 thousand dollars, just come here, just get me out of 4 this situation." 5 And he said, "I'm sorry, I feel your 6 pain -- I can't come to see you, but just tell your 7 program manager that you don't want to go there. 8 It's your right to refuse to go to the emergency 9 department if you don't feel like you want to go. 10 Just tell her you're not going to go." 11 And -- and -- and -- and that was 12 it, and he hung up his phone. 13 Q Okay. Can I stop you real quick? 14 A Yeah. 15 Q Or we'll leave off there. 16 A Yeah. 17 Q Do you have the same cellphone number now that you 18 had back in -- 19 A Yes. 20 Q -- November of 2020? 21 A Yes. 22 Q What is your cellphone number? 23 A (202). 24 Q 202. 25 A 390.</p>
<p style="text-align: right;">Page 147</p> <p>1 dialing 911 on my phone. And Natalia sees my phone, 2 and she sees the 911 dialed on my phone, and she 3 tells me -- she's like, "Wait, wait. I'm going to 4 -- I'm going to see what's going -- she's just, 5 like, "Wait, just put that away for now. We're 6 going to see what's going to happen right now." 7 And I -- I put my phone away. And 8 Natalia just kind of, like, walks to the director 9 and talks to her for a little bit. And she wasn't 10 being, like, shaken by anything. So, she comes back 11 to me and she said, "What are you doing?" 12 And I'm like, "I'm going -- I'm 13 going to have to go make a police -- I mean, just 14 make a police -- one phone call before we go 15 anywhere." 16 And I take my phone and I call, 17 like, at least, like, seven, eight attorneys until I 18 get one -- one of them to pick up. One of the 19 attorneys picked up and I said, "Hello, my name is 20 this. I know you don't know me, but I'm being told 21 by -- I'm being forced by my manager to go to the 22 emergency department when a psychologist has told me 23 I don't need to go, and I really don't want to go. 24 What's -- what are my rights? Do I have any right 25 here to say no? What am I supposed to do? And can</p>	<p style="text-align: right;">Page 149</p> <p>1 Q 390. 2 A 29. 3 Q 29. 4 A 26. 5 Q 26. 6 And do you actually call 911 when 7 you -- 8 A At that -- 9 Q -- when -- no, hold on. 10 A moment ago, you testified, "I was 11 calling 911" -- 12 A Yes. 13 Q -- "And Dr. Natalia saw me do it." 14 A Yeah. 15 Q Is that what you testified to? 16 A Yeah. 17 Q Did you call 911? 18 A I didn't call it, no. 19 Q So -- 20 A She told me, like -- she -- she -- before I 21 called -- I had 911 on my phone and she's like, 22 "Just stop. Stop. Don't do this right now. Don't 23 make it bigger." Like, she's like, "Stop. I'm 24 going to go talk to her. You're going to be able to 25 leave."</p>

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<p style="text-align: right;">Page 150</p> <p>1 Q Okay. What were the names of the attorneys who you 2 called that day that you just referenced? 3 A I have to -- I have to go through my phone records. 4 I have to go through my phone records. 5 Q Do you have your phone records available to you? 6 Not -- not -- 7 A I have -- 8 Q Not literally at this moment, but are they generally 9 available to you? 10 A They should be available. 11 Q Okay. What was your phone carrier? 12 A Mint Mobile. 13 Q Pardon? 14 A Mint Mobile. It's a part of T-Mobile. 15 Q Oh, okay. T-Mobile. 16 A At that point. 17 Q That was your -- T-Mobile was your phone carrier at 18 the time? 19 A Yes. Yeah. 20 Q Okay. So, tell me -- can you tell me where we left 21 off? I'm so sorry. You were giving me a detailed 22 account. 23 A Yeah. So, I was making the phone calls asking for 24 someone to come help me. I really needed someone to 25 come help me. I didn't know -- I was too scared to</p>	<p style="text-align: right;">Page 152</p> <p>1 right where I was sitting and he said that -- "Can 2 this guy walk? Are we going to have to push him 3 through this wheelchair?" 4 And that was a very traumatic 5 experience, but I'm not sure, after that, what 6 happened. I felt very scared. 7 Q Hold on. 8 You're not sure what happened after 9 the wheelchair? 10 A After the wheelchair -- I remember he put the 11 wheelchair there -- 12 Q Okay. 13 A -- and I started to -- start think -- started 14 thinking about all of the innocent people that were 15 shot by police before in the past by -- by -- for -- 16 Q Did the security officers have guns? Let me back 17 up. 18 Were these security guards or -- 19 A They have a Taser. 20 Q -- were these police officers? 21 A Security guards. 22 Q So, they didn't have firearms on them? 23 A They have Tasers. 24 Q They have Tasers? 25 A Yeah.</p>
<p style="text-align: right;">Page 151</p> <p>1 call the police, even. But I was -- I was just 2 scared and needed someone to come get me out of the 3 situation, because she kept on telling me that "We 4 were going to strap your -- we're going to strap you 5 off, we're going to drag you into the ED, this is 6 not your choice. We're not telling you this is your 7 option anymore. I'm going to call security in here, 8 they're going to drag you. Please don't make a 9 scene, just please go -- be quiet and come with us." 10 And I said, "No, I'm not going to" 11 -- I even started crying. I started -- I said, "No. 12 I -- I did not do anything wrong. I did not do 13 anything wrong. Please just let me go home. I -- I 14 just want to go home. I just need some sleep, maybe 15 I'm tired. Just please let me go home." 16 She didn't care. She -- she wasn't 17 shaken by anything I was saying. And she said -- 18 that's when, like, I remember, like, she had -- two 19 security guards came to the cafeteria. One of them 20 came with a wheelchair and put it right next to me. 21 I'm not sure if more security came, but there was -- 22 she called -- went and called security, the one in 23 the front gate, and around two, three security 24 guards were starting to come to the cafeteria. 25 And then, one placed a wheelchair</p>	<p style="text-align: right;">Page 153</p> <p>1 Q But they didn't have guns on them, right? They're 2 not even allowed to carry guns, are they? 3 A I don't know. I'm not sure. I'm not sure. 4 Q Well, what do you recall? Did they have firearms on 5 their sides or not? 6 A All I saw was people wearing security badge -- 7 security clothes and wheel -- and screaming, like, 8 "Is this guy complying? Is he not complying?" 9 Q Did you see a gun? 10 A No, I don't recall that. 11 Q Okay. Why didn't you call 911 at that time? 12 A I felt scared. 13 Q Too scared to call law enforcement? 14 A Yeah. 15 Q Why? 16 A This is a Caucasian woman, I'm an African-American 17 male, I'm 6'1", calling about a Caucasian woman to 18 the police in the middle of Grand Blanc. Not a 19 great idea. 20 Q Why? 21 A I don't know. I don't know if they'll believe me. 22 Q So, you didn't try to call 911? 23 A I -- I called -- I called on the way -- on the way 24 to the psych facility, but I didn't call there, not 25 at Grand Blanc, though.</p>



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<p style="text-align: right;">Page 154</p> <p>1 Q Okay. So, you did call 911 that day, just not at 2 that point in time?</p> <p>3 A Yeah.</p> <p>4 Q Okay. So, I take it the wheelchair arrives and you 5 decide just to walk to the emergency room; is that 6 accurate?</p> <p>7 A I said -- I said, "Yeah, I'll just -- I'll just 8 walk."</p> <p>9 Q So, you walked to the emergency room?</p> <p>10 A Yeah.</p> <p>11 Q Okay. So, you go to the emergency room?</p> <p>12 A I walked with the -- Dr. Barbara and Natalia and the 13 one security officer who --</p> <p>14 Q Okay.</p> <p>15 A -- who -- in the middle of my back.</p> <p>16 Q So there's you, security officer, Dr. Natalia, Dr. 17 Pawlaczyk all walked to the emergency room?</p> <p>18 A Yeah. And then, he -- he --</p> <p>19 Q Hold on. I don't have a question pending, I just --</p> <p>20 A Sorry.</p> <p>21 Q -- wanted to make sure those were the people who 22 were walking with you to the emergency room.</p> <p>23 A Yes.</p> <p>24 Q So, when you go to the emergency room, I take it 25 you're examined by multiple -- I understand you</p>	<p style="text-align: right;">Page 156</p> <p>1 you in one family together?"</p> <p>2 I don't know what she was implying</p> <p>3 by whatever she was telling me, but she was telling</p> <p>4 me, "You're Sudanese", and at that point, I was</p> <p>5 tearing up. And she was saying to me, "Yeah, you're</p> <p>6 from Sudan. You're Sudanese. You told me that you</p> <p>7 live together all in one house." Something like</p> <p>8 that. "And America is different -- different than</p> <p>9 Sudan, right?"</p> <p>10 And I said -- I did not want to</p> <p>11 speak. I was very upset. I just, like -- I'm like,</p> <p>12 "I guess."</p> <p>13 And she's like, "Yeah. Okay, I</p> <p>14 guess."</p> <p>15 She left the room. And she -- she</p> <p>16 -- she left the room. I was in the room alone. And</p> <p>17 she spoke to -- or she was speaking to someone</p> <p>18 outside --</p> <p>19 Q Hold on.</p> <p>20 How -- she left the room?</p> <p>21 A Yeah.</p> <p>22 Q How do you know she was speaking to anyone if she</p> <p>23 left the room?</p> <p>24 A I overheard, like, Dr. Barbara speaking.</p> <p>25 Q Okay. So, you didn't see her speaking, but you just</p>
<p style="text-align: right;">Page 155</p> <p>1 didn't -- you didn't want to go to the emergency 2 room, right?</p> <p>3 A No.</p> <p>4 Q Okay. That, we've established.</p> <p>5 You were examined by multiple</p> <p>6 medical personnel in the emergency room, right?</p> <p>7 A I was never examined. And -- I mean, before I was 8 admitted or after I was admitted?</p> <p>9 Q That's a good distinction there.</p> <p>10 A Yeah.</p> <p>11 Q I appreciate that.</p> <p>12 A Yeah.</p> <p>13 Q When you went to the emergency room, what was the 14 first thing that happened? I want to go step by 15 step.</p> <p>16 A First thing what happened -- well, we went through 17 the back door. We didn't go through the front door. 18 Usually, the patients for -- for emergency 19 department, they go through the front door of the 20 emergency department. We went through a back door. 21 Not the usual door that you use -- you go to the 22 emergency department through. And we went -- sat in 23 the waiting room where Dr. Barbara was telling me, 24 "You're from Sudan, right? And you're Sudanese, and 25 you guys used to live in big houses together, all of</p>	<p style="text-align: right;">Page 157</p> <p>1 overheard her voice?</p> <p>2 A Yeah. I just heard her voice.</p> <p>3 Q Who was she talking to, if you know?</p> <p>4 A I'm not sure.</p> <p>5 Q You don't know who she was talking to?</p> <p>6 A No. No.</p> <p>7 Q Okay. So, she's talking to this individual. What 8 do you hear her say?</p> <p>9 A "Which room do you guys want to put him in?"</p> <p>10 Something like that. That's what I heard. Yeah.</p> <p>11 Q And then she leaves, right?</p> <p>12 A She never leaves, no. She -- she -- she -- Dr. 13 Caloia comes back into the room.</p> <p>14 Q Who's Dr. Caloia?</p> <p>15 A He's the emergency room physician.</p> <p>16 Q Okay. So, he comes back into the room?</p> <p>17 A Yes.</p> <p>18 Q And then, you're admitted to the emergency room, 19 right?</p> <p>20 A He speaks to me. He tells me, "Your program 21 director said you're delusional. You're crazy. 22 You're saying people are putting bombs in the 23 locker. And you're -- you're making other residents 24 feel uncomfortable." Under -- and -- and something 25 like that.</p>

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<p style="text-align: right;">Page 174</p> <p>1 right, regarding your return to work?</p> <p>2 <b>A Yes.</b></p> <p>3 Q There's no other form returning you to work signed</p> <p>4 off by a private physician, is there, from Havenwyck</p> <p>5 Hospital?</p> <p>6 <b>A From Havenwyck Hospital, or any -- any hospital?</b></p> <p>7 Q Havenwyck Hospital. And we'll go to any hospital</p> <p>8 after that.</p> <p>9 <b>A From Havenwyck Hospital? I don't believe -- this is</b></p> <p>10 <b>the -- this is the return to work I got.</b></p> <p>11 Q Okay. And I think where you were going with that is</p> <p>12 you did get another return to work, though, from a</p> <p>13 hospital, and that was Ascension Genesys, true?</p> <p>14 <b>A Uh-huh.</b></p> <p>15 Q Is that a yes or a no?</p> <p>16 <b>A Yes.</b></p> <p>17 Q Okay. And let me back up.</p> <p>18 You submitted this Exhibit 9 to</p> <p>19 Ascension Genesys Occupational Health Department as</p> <p>20 well as Marney Daugherty of Human Resources at</p> <p>21 Ascension Genesys, true?</p> <p>22 <b>A Yes.</b></p> <p>23 Q Okay. And you presented to -- you presented it to</p> <p>24 -- Exhibit 9 to Occupational Health when you were</p> <p>25 seen on November 23rd of 2020, true?</p>	<p style="text-align: right;">Page 176</p> <p>1 <b>A Yes.</b></p> <p>2 Q And you're not alleging that he had any</p> <p>3 discriminatory animus to you, are you?</p> <p>4 <b>A Previous to seeing me or after seeing me?</b></p> <p>5 Q Before, you know, the time he saw you.</p> <p>6 <b>A At the time he saw -- I mean, after he -- after he</b></p> <p>7 <b>had a discussion with Dr. Barbara, he -- so, I'll</b></p> <p>8 <b>tell you the story.</b></p> <p>9 Q Hold on.</p> <p>10 <b>A Yeah.</b></p> <p>11 Q I just -- I just want to --</p> <p>12 <b>A Discriminatory animus --</b></p> <p>13 Q We'll get into your story in a moment. Let me</p> <p>14 rephrase it.</p> <p>15 <b>A But that's a difficult question.</b></p> <p>16 Q Fair enough. I'll -- I'll rephrase it.</p> <p>17 <b>A Yes.</b></p> <p>18 Q Do you believe that he -- that Dr. Tajour does not</p> <p>19 like black individuals?</p> <p>20 <b>A Black -- black --</b></p> <p>21 Q Just black individuals.</p> <p>22 <b>A Black is different.</b></p> <p>23 Q Skin -- we're talking skin color.</p> <p>24 <b>A You're talking about black Americans that stand up</b></p> <p>25 <b>for their rights. Black Lives Matter is different</b></p>
<p style="text-align: right;">Page 175</p> <p>1 <b>A Uh-huh.</b></p> <p>2 Q Is at a yes or a no?</p> <p>3 <b>A On the Occupational Health visit, yes.</b></p> <p>4 Q Okay. Which was November 23rd of 2020?</p> <p>5 <b>A Uh-huh.</b></p> <p>6 Q Right?</p> <p>7 <b>A Yes. Yes.</b></p> <p>8 Q Okay. And then, you subsequently provided to Marney</p> <p>9 Daugherty on November 30th, 2023 when you spoke to</p> <p>10 her, true?</p> <p>11 <b>A Yes.</b></p> <p>12 Q Okay. And what we were just referencing a minute</p> <p>13 ago -- we can -- you can put that aside, Dr. Elzein.</p> <p>14 <b>A Yes.</b></p> <p>15 Q I'll give it back to the court reporter.</p> <p>16 <b>A Yes.</b></p> <p>17 Q You -- as we said a moment ago, you saw doctor --</p> <p>18 strike that.</p> <p>19</p> <p>20 You saw -- you went to Occupational</p> <p>21 Health for a return to work visit on November 23rd</p> <p>22 of 2020, correct?</p> <p>23 <b>A Yes.</b></p> <p>24 Q And the doctor you saw was Dr. Burhan Tajour,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 177</p> <p>1 <b>than a black from Congo or Nigeria who's stupid and</b></p> <p>2 <b>who do everything a white person does. These are</b></p> <p>3 <b>two different individuals. You cannot tell me.</b></p> <p>4 <b>Does he like black Americans?</b></p> <p>5 Q I'm talking solely --</p> <p>6 <b>A He does not like black Americans.</b></p> <p>7 Q -- about skin color. So, Dr. Tajour --</p> <p>8 <b>A Skin color?</b></p> <p>9 Q -- is yet another discriminatory person at Ascension</p> <p>10 Genesys, right?</p> <p>11 <b>A I did not say he's discriminatory.</b></p> <p>12 Q Okay.</p> <p>13 <b>A But does he -- does Ascension Genesys, as a</b></p> <p>14 <b>hospital, like black Americans?</b></p> <p>15 Q No. I'm talking about Dr. Tajour, not Ascension</p> <p>16 Genesys.</p> <p>17 Dr. Tajour is an individual,</p> <p>18 obviously, right? He's a person.</p> <p>19 <b>A I don't think he had any problem with black</b></p> <p>20 <b>Americans.</b></p> <p>21 Q Okay. Did he have any problems with people from</p> <p>22 Sudan?</p> <p>23 <b>A Definitely not. Definitely -- the stupid ones? No.</b></p> <p>24 <b>Just -- no. Definitely --</b></p> <p>25 Q Dr. Tajour had no problems with people from Sudan,</p>



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<p style="text-align: right;">Page 178</p> <p>1 right?</p> <p>2 <b>A I mean, when I was -- I spoke to him in -- look, my</b></p> <p>3 <b>friend. I spoke to him in Arabic and broken English</b></p> <p>4 <b>to make sure that he did not understand I was an</b></p> <p>5 <b>African-American. African-Americans are not</b></p> <p>6 <b>welcome. They're not liked. They're not loved by</b></p> <p>7 <b>Ascension Genesys. And specifically Dr. Tajour, Dr.</b></p> <p>8 <b>Barbara, Dr. Yarlagadda, they will love you if</b></p> <p>9 <b>you're African, but you -- they'll not like you as</b></p> <p>10 <b>an African-American.</b></p> <p>11 Q What evidence do you have that Dr. Tajour does not</p> <p>12 like African-Americans?</p> <p>13 <b>A Okay. What evidence do I have?</b></p> <p>14 Q Yes.</p> <p>15 <b>A When I entered Dr. Tajour's office, I spoke to him</b></p> <p>16 <b>in Arabic. I spoke to him in a very broken English.</b></p> <p>17 Q Okay.</p> <p>18 <b>A And the minute Dr. Tajour spoke to Dr. Barbara and</b></p> <p>19 <b>told her -- which is very against HIPAA, and told</b></p> <p>20 <b>her that he saw me, and Dr. Barbara told him, "No,</b></p> <p>21 <b>you're not supposed to give this guy clearance."</b></p> <p>22 <b>He changed his mind. I believe is a</b></p> <p>23 <b>-- makes me question --</b></p> <p>24 Q Were you there for this conversation with him and</p> <p>25 Dr. Pawlaczyk?</p>	<p style="text-align: right;">Page 180</p> <p>1 MR. WASLAWSKI: Let's just -- I'll</p> <p>2 get all the spellings to you. Dr. P for now.</p> <p>3 <b>THE WITNESS: Dr. T?</b></p> <p>4 BY MR. WASLAWSKI:</p> <p>5 Q Dr. -- Dr. P. No, Dr. Pawlaczyk being Dr. P.</p> <p>6 Were you present for any</p> <p>7 conversation between Dr. Pawlaczyk and Dr. Tajour?</p> <p>8 <b>A No.</b></p> <p>9 Q Okay. So, you have no idea what they talked about,</p> <p>10 other than your speculation, true?</p> <p>11 <b>A Yes.</b></p> <p>12 Q Okay. But you did indeed see Dr. Tajour on</p> <p>13 November 23rd of 2020, true?</p> <p>14 <b>A Yes.</b></p> <p>15 Q Okay. You're not alleging he did anything unlawful</p> <p>16 to you in this lawsuit, right? He just completed a</p> <p>17 medical examination?</p> <p>18 <b>A I did -- at the end, I think he did.</b></p> <p>19 Q What do you think he did?</p> <p>20 <b>A By giving me a clearance and revoking a clearance.</b></p> <p>21 Q Do you know if he revoked the clearance, or do you</p> <p>22 think it -- do you know if it was someone else?</p> <p>23 <b>A I got it through an e-mail that Dr. Marney said that</b></p> <p>24 <b>he revoked the clearance.</b></p> <p>25 Q Okay. So, there's an e-mail out there, you're</p>
<p style="text-align: right;">Page 179</p> <p>1 <b>A Was I there?</b></p> <p>2 Q Yeah.</p> <p>3 <b>A I was not.</b></p> <p>4 Q So, you don't even know what they said to each</p> <p>5 other?</p> <p>6 <b>A But they're never supposed to talk to each other.</b></p> <p>7 Q But you don't even know what -- you weren't there</p> <p>8 for any conversation between them, right?</p> <p>9 <b>A Yeah -- here. How Barbara -- Dr. Barbara --</b></p> <p>10 Q Hold on. Hold on.</p> <p>11 <b>A Yeah. Yeah.</b></p> <p>12 Q These are simple questions.</p> <p>13 <b>A Absolutely.</b></p> <p>14 Q I know you can make inferences, and again, your</p> <p>15 counsel's going to have plenty of time to ask you</p> <p>16 questions --</p> <p>17 <b>A Sure.</b></p> <p>18 Q -- and go over whatever you want to go over.</p> <p>19 <b>A Sure.</b></p> <p>20 Q My question to you is a simple one.</p> <p>21 <b>A Yeah.</b></p> <p>22 Q Were you ever present for any conversation between</p> <p>23 Dr. Tajour and Dr. Pawlaczyk?</p> <p>24 MR. LASSER: Excuse me. How do you</p> <p>25 spell that name, Dr. Tajour?</p>	<p style="text-align: right;">Page 181</p> <p>1 saying, that is -- supports your assertion?</p> <p>2 <b>A Yes.</b></p> <p>3 Q Okay.</p> <p>4 <b>A And he called me personally on my phone and said he</b></p> <p>5 <b>was going to revoke my clearance.</b></p> <p>6 Q Yeah, and that's because you lied about the reason</p> <p>7 for why you were --</p> <p>8 <b>A And how did they find out about that?</b></p> <p>9 Q And -- you lied, though, to Dr. Tajour about why you</p> <p>10 were off of work; isn't that true?</p> <p>11 <b>A And how do you know about that?</b></p> <p>12 Q I'm asking the questions, Doctor --</p> <p>13 <b>A I'm asking -- no. You're saying -- you're accusing</b></p> <p>14 <b>me of lying to Dr. Tajour. How did you know --</b></p> <p>15 Q Did you -- let me --</p> <p>16 <b>A -- about my personal visit with Dr. Tajour?</b></p> <p>17 Q Let me -- let me rephrase.</p> <p>18 Did you lie to Dr. Tajour about the</p> <p>19 reason for why you were off of work?</p> <p>20 <b>A Did I lie to Dr. Tajour about the reason for why I</b></p> <p>21 <b>went to work? No, I did not.</b></p> <p>22 Q So, you're committing perjury right now, aren't you?</p> <p>23 <b>A I'm committing perjury?</b></p> <p>24 Q Yes.</p> <p>25 <b>A Maybe.</b></p>